

# SONOMA COUNTY SHERIFF'S OFFICE

## OFFICE-WIDE POLICY AND PROCEDURE MANUAL

### USE OF FORCE

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*Sheriff's Office Version: 4.06.15*

#### 1.0 POLICY STATEMENT

This policy recognizes that the use of force by law enforcement requires constant evaluation. Even at its lowest level, the use of force is a serious responsibility. The purpose of this policy is to provide Deputies of this Sheriff's Office with guidelines on the reasonable use of force. While there is no way to specify the exact amount or type of reasonable force to be applied in any situation, each Deputy is expected to use these guidelines to make such decisions in a professional, impartial and safe manner.

The other purpose of this policy is to provide a safe environment for sworn personnel to develop and practice efficient defensive tactics techniques. Defensive Tactics training will be conducted by a Sheriff's Office Instructor in a professional manner to promote safety and the proficient use of defensive tactics strategies.

#### 2.0 DEFINITIONS

**Use of Force Program Manager:** Lieutenant in charge of the Law Enforcement Division Firearms and Defensive Tactics Training Program and Lieutenant in charge of Detention Division Defensive Tactics Training Program.

**Defensive Tactics Instructor:** Sheriff's Office approved Defensive Tactics Instructor.

#### 3.0 MANDATES

PENAL CODE § 835(A): Any peace officer that has reasonable cause to believe that the person to be arrested has committed a public offense may use reasonable force to effect the arrest, to prevent escape, or to overcome resistance. A peace officer who makes or attempts to make an arrest need not retreat or desist from his or her efforts by reason of resistance or threatened resistance of the person being arrested; nor shall such Deputy be deemed the aggressor or lose his or her right to self-defense by the use of reasonable force to effect the arrest or to prevent escape or to overcome resistance.

## **4.0 GENERAL INFORMATION**

### **4.1 Factors Used to Determine the Reasonableness of Force**

- A. The use of force by law enforcement personnel is a matter of critical concern both to the public and to the law enforcement community. Deputies are involved on a daily basis in numerous and varied human encounters and, when warranted, may use force in carrying out their duties.
- B. Deputies must have an understanding of, and true appreciation for, the limitations of their authority. This is especially true with respect to Deputies overcoming resistance while engaged in the performance of their duties.
- C. This Sheriff's Office recognizes and respects the value of all human life and dignity without prejudice to anyone. It is also understood that vesting Deputies with the authority to use reasonable force and protect the public welfare requires a careful balancing of all human interests.
- D. When determining whether or not to apply any level of force and evaluating whether a Deputy has used reasonable force, a number of factors should be taken into consideration. These factors include, but are not limited to:
  - 1. The conduct of the individual being confronted (as reasonably perceived by the Deputy at the time).
  - 2. Deputy/subject factors (age, size, relative strength, skill level, injury/exhaustion and number of Deputies vs. subjects).
  - 3. Influence of drugs/alcohol (mental capacity).
  - 4. Proximity of weapons.
  - 5. The degree to which the subject has been effectively restrained and his/her ability to resist despite being restrained.
  - 6. Time and circumstances permitting, the availability of other options (what resources are reasonably available to the Deputy under the circumstances).
  - 7. Seriousness of the suspected offense or reason for contact with the individual.
  - 8. Training and experience of the Deputy.
  - 9. Potential for injury to citizens, Deputies and suspects.
  - 10. Risk of escape.
  - 11. Other exigent circumstance.
- E. It is recognized that Deputies are expected to make split-second decisions and that the amount of a Deputy's time available to evaluate and respond to changing circumstances may impact his or her decision.

- F. While various degrees of force exist, each Deputy is expected to use only that degree of force reasonable under the circumstances to successfully accomplish the legitimate law enforcement purpose in accordance with this policy.

## **4.2 Non-Deadly Force Applications**

Any application of force which is not reasonably anticipated and intended to create a substantial likelihood of death or very serious injury shall be considered non-deadly force. Each Deputy is provided with equipment, training and skills to assist in the apprehension and control of suspects as well as protection of Deputies and the public.

Given that no policy can realistically predict every possible situation a Deputy might encounter in the field, it is recognized that each Deputy must be entrusted with well-reasoned discretion in determining the appropriate use of force in each incident. While it is the ultimate objective of every law enforcement encounter to minimize injury to everyone involved, nothing in this policy requires a Deputy to actually sustain physical injury before applying reasonable force.

## **4.3 Carotid Restraint**

The carotid restraint may be used as a method of restraining suspects who are actively resisting or assaultive. This section is intended to provide Deputy Sheriffs with guidelines on the use of the carotid restraint.

- A. The hold should be applied with the intent to render the suspect unconscious.
- B. In applying the carotid restraint, full pressure should be maintained for no longer than thirty (30) seconds.
- C. If the suspect is still conscious after thirty (30) seconds, pressure should be reduced so the carotid arteries are no longer compressed, but the neck remains immobilized until the Deputy gets assistance or can safely use another method to restrain the suspect.
- D. Ordinarily, the carotid restraint hold should not be used on a suspect more than once during an enforcement contact or incident.
- E. If two Deputies are present, the carotid restraint should be applied as a two person technique, with the second Deputy responsible for monitoring both the application of the hold to ensure it is placed correctly and the level of consciousness of the suspect.
- F. After the carotid restraint is used and the suspect is handcuffed, check vital signs. If necessary, give first aid and call for emergency medical assistance.
- G. Advise the transporting Deputy, booking officer and/or medical personnel that the suspect was placed in a carotid restraint.
  - 1. Document the use of the carotid restraint on the booking form and arrest report.
  - 2. If the suspect was rendered unconscious, medical clearance is required before booking.

- H. Deputies will use only Sonoma County Sheriff's Office approved and taught carotid restraint techniques.
- I. After the carotid restraint is used, all inmates shall be cleared by medical staff.

#### **4.4 Deadly Force Applications**

While the use of a firearm is expressly considered deadly force, other force might also be considered deadly force if the Deputy reasonably anticipates and intends that the force applied will create a substantial likelihood of causing death or very serious injury. Use of deadly force is justified in the following circumstances:

- A. A Deputy may use deadly force to protect him or herself or others from what they reasonably believe would be an imminent threat of death or serious bodily injury.
- B. A Deputy may use deadly force to affect the arrest or prevent the escape of a suspected felon where the Deputy has probable cause to believe that the suspect poses a significant threat of death or serious bodily injury to the Deputy or others. Under such circumstances, a verbal warning should precede the use of deadly force, where feasible.

#### **5.0 PROCEDURES**

##### **5.1 Reporting the Use of Physical Force**

Any reportable use of physical force by a member of this Sheriff's Office shall be documented. It is the responsibility of the member using force to ensure that the use of force is documented completely, promptly and accurately in an appropriate report depending on the nature of the incident. The use of particular weapons such as chemical agents may require the completion of additional report forms as specified in Sheriff's Office policy and/or law. Actions not considered physical use of force are Sheriff's Office-approved searching or handcuffing when the suspect does not resist.

##### **5.2 Notification to Supervisors**

Supervisory notification shall be made as soon as practical following the application of physical force, under any of the following circumstances:

- A. Where the application of force appears to have caused physical injury.
- B. The individual has expressed a complaint of pain.
- C. Any application of a less lethal control device.
- D. Where the individual has been rendered unconscious.
- E. All Correctional Deputies shall report any use of force as soon as practical.

##### **5.3 Medical Attention for Injuries Sustained Using Force**

Medical assistance shall be obtained for any person(s) who has sustained visible injury, expressed a complaint of pain, or who has been rendered unconscious. In the Detention Division all incarcerated inmates shall be seen by on site medical staff for any use of force.

## **5.4 Supervisor Responsibility**

When a supervisor is made aware of an incident in which there has been a reported application of force, the supervisor is expected to:

1. Obtain the basic facts from the involved Deputy(s).
2. Ensure that any injured parties are examined and treated.
3. If appropriate, separately interview the subject(s) upon who force was applied.
4. Ensure that photographs have been taken of any areas involving visible injury or complaint of pain as well as overall photographs of uninjured areas.
5. Identify any witnesses not already included in related reports.
6. Review and approve all related reports.
7. Should the supervisor determine that any application of force was not within policy, a separate internal administrative investigation shall be initiated.
8. Ensure each Deputy's use of force is documented properly.
9. Complete Sheriff's Office Use of Force tracking form.

In the event that the supervisor believes the incident may give rise to potential civil litigation, the Watch Commander and Risk Management should be notified.

## **6.0 QUALIFICATIONS**

### **6.1 Qualification Requirements**

Qualification requirements will be approved by the Use of Force Program Manager. The qualification requirements shall be recorded and forwarded to Personnel Services.

### **6.2 Qualification**

Assistant Sheriffs are required to ensure that all sworn personnel under their command qualify in accordance with policy.

- A. Defensive Tactics Instructor will keep a record of all those who attend training.
- B. All sworn personnel must qualify each quarter.

1. First Quarter: January through March
  2. Second Quarter: April through June
  3. Third Quarter: July through September
  4. Fourth Quarter: October through December
- C. Failure to comply with regulation governing defensive tactics qualifications (attendance and qualification) may result in disciplinary action.
1. Only the Sheriff, an Assistant Sheriff, or his designee, may exempt a member from the provisions mandated in this policy.
  2. If a member fails to attend at least one defensive tactics training during a quarter, the member shall attend the first training offered of the following quarter.
- D. Management is not required to attend.
- E. If the Deputy fails to qualify after remediation, the Defensive Tactics Instructor shall immediately notify the Deputy's Assistant Sheriff or designee verbally, and shall prepare a memo to be sent, via chain of command, as soon as practical, for determination of action. A copy of the memo shall be placed in the Deputy's personnel file.

## **7.0 REVISION HISTORY**

4.06.15

Replaces 3.08.14, replaces 2.05.14; 1.03.11 (new); replaces Law Enforcement Policy 300 - Use of Force (Version: 10/22/2010) and Use of Force: Detention Division (Version: 16.02.09)